

Attorney's Docket No.: C01104/70000


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frederick Morgan, et al.
Serial No.: 09/616,214
Confirm. No.: 5891
Filed: July 14, 2000
For: SYSTEMS AND METHODS FOR AUTHORIZING LIGHTING SEQUENCES

Examiner: Shechtman, Sean P.
Art Unit: 2125

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 1st day of February, 2005.



Jeanne Chub

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT/ELECTION

Sir/Madam:

In response to the Office Action mailed January 13, 2005 in the above-identified application, Applicants hereby elect the invention of Group I, namely claims 1-3, 5, 7-20, 22-31, 33, 78-92 and 106-108, for further prosecution.

The election of the Group I claims is made with traverse to the Restriction Requirement.

The Restriction Requirement indicates the following claim groupings in addition to the Group I claims:

Group II: claims 109-114, with claim 109 being the only independent claim;

Group III: claims 115-120 and 125-128, with claims 115-117 being the independent claims; and

Group IV: claims 121-124, with claim 121 being the only independent claim.

The Applicants respectfully submit that search and examination of all of the claims pending in Groups I, II, III and IV can be made without serious burden on the Examiner, as already demonstrated in a previous Office Action mailed September 30, 2004. In particular, the subject matter of the claims indicated in Groups II, III and IV of the present Restriction Requirement was already claimed at the time of the September 30, 2004 Office Action and hence already searched and considered by the Examiner.

More specifically, as discussed in Applicants' response dated November 23, 2004 to the September 30, 2004 Office Action, Applicants provided new independent claims 109, 115-117 and 121 in response to the Office Action by essentially combining independent claim 1 with some claims that depended directly from claim 1, namely, dependent claims 5, 10-12 and 14 as pending at the time of the September 30, 2004 Office Action (i.e., claim 109 = claim 1 + claim 5; claim 115 = claim 1 + claim 10; claim 116 = claim 1 + claim 11; claim 117 = claim 1 + claim 12; claim 121 = claim 1 + claim 14). Each of dependent claims 5, 10-12 and 14 had been searched, examined and rejected by the Examiner in the September 30, 2004 Office Action; hence, in providing these new independent claims that incorporated rejected dependent claims, Applicants also provided detailed arguments to overcome the rejections of the dependent claims.

Accordingly, it is clear that **the subject matter presently claimed already has been examined by the Examiner**. Hence, by the Examiner's own prior action, the Examiner has conceded that search and examination of these claims can be made without a serious burden. According to MPEP §803, "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits" (emphasis added). For at least this reason, the Restriction Requirement is improper and should be withdrawn.

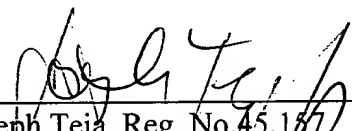
In sum, Applicants have distinctly and specifically pointed out what are respectfully believed to be errors in this Restriction Requirement, and hence traverse this requirement. In doing so, Applicants retain the right to petition from the requirement under 37 C.F.R. §1.144.

Applicants respectfully request the Examiner to reconsider and withdraw the Restriction Requirement and proceed with prosecution on the merits of all of the pending claims.

Applicants also respectfully point out that a revocation of prior powers of attorney and new power of attorney was filed in the present application on September 25, 2003. A copy of these papers is enclosed herewith. Applicants request that future correspondence in this application be forwarded to the undersigned representative indicated on the new power of attorney.

Respectfully submitted,

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